

ORIGINAL

UNITED STATES DISTRICT COURT

District of Hawaii

UNITED STATES OF AMERICA

V.

ORDER SETTING CONDITIONS
OF RELEASE

DAVID FONOTI
Defendant

Case Number: MAG 04-00342KSC

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 27 2004

at 3 o'clock and 5 min. P.M.
WALTER A.Y.H. CHINN, CLERK

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.
- (3) I must not harass, threaten, intimidate, tamper with, improperly influence, or injure the person or property of witnesses, jurors, informants, victims of crime, judicial officers, or other persons related to official proceedings before the Court, in violation of 18 U.S.C. §§ 1503, 1512, and 1513.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at U.S. Courthouse, 300 Ala Moana Blvd. C-338, Honolulu, HI on As Directed.

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (✓) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of \$25,000.00 unsecured in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

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Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and State)

(Phone No.)

who agrees (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

The defendant shall:

- (7b) Comply with pretrial services supervision, and abide by all conditions of release as directed by Pretrial Services.
- (7c) Maintain or actively seek employment, as directed by Pretrial Services.
- (7g2) Do not apply for/obtain a passport.
- (7h1) Travel is restricted to State of Hawaii; inter-island travel must be approved in advance by Pretrial Services.
- (7s1) You are prohibited from owning, possessing, or controlling any firearm or ammunition. Immediately surrender all firearms and ammunition to an agent approved by Pretrial Services.
- (7u) Do not use or possess illicit drugs, and do not be in the presence of illicit drug use or drug users/traffickers.
- (7v1) Submit to drug detection testing as approved by Pretrial Services.
- (7y) You must contribute toward the costs of the services required by this bond, to the extent you are financially able to do so, as determined by Pretrial Services.

Other Conditions: **Do not possess any badges or credentials of law enforcement officers.**

Advice of Penalties and Sanctions

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TO THE DEFENDANT:**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pretrial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

[Signature]
Signature of Defendant
95-644 HAWAII ST. #E-103
Address
MILILANI HI. 96789 625-9449
City and State Zip Telephone

Directions to United States Marshal

- (☒) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 12/27/04

[Signature]
Signature of Judicial Officer
LESLIE E. KOBAYASHI
Barry M. Kurren
Name and Title of Judicial Officer